



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
NOVEMBER 18, 2002
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Rose Rodriguez, John F. Cook, Luis G. Sariñana and Anthony Cobos. Late Arrival: Larry M. Medina arrived at 9:30 a.m. Excused absence: Jan Sumrall and Daniel S. Power. Non-excused absence: Paul J. Escobar. Meeting was called to order and a moment of silence was observed, followed by the Pledge of Allegiance to the Flag of the United States of America.

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Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to delete discussion and action: Mayor and Reps, I would like this item to be heard in full details, it pertains to the parking lot on Durango and Porfirio Diaz. Persons who park their cars do not comply with the signs posted, i.e., Disabled/Media. [Leopoldo Sierra]

Representatives Medina and Escobar were not present for the vote.

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No action was taken on the discussion and action to amend Smoking Ordinance to allow for non-food service bars to chose smoking in a bar after posting a sign outside their bar stating it is a smoking bar. [Gregory Willems]

Mr. Gregory Willems, citizen, commented.

Mr. Luis Bellman, citizen, expressed his concern regarding noise in bar patios disturbing the community. He added that he has called the police in the past.

Representative Cook explained the particulars for starting an initiative and referendum for over turning an Ordinance.

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No action was taken on the discussion and action to create a council member and mayor voting record database of regular and addition items to the city council agenda for easy constituent access via internet using the City's website with links to the individual council member and mayor or by requesting copies from the City Clerk. This database would be exclusive to the City Council meeting minutes and a stand-alone document. This voting record database is to be ready for review as of November 26, 2002. The voting records for former council members are to be kept in archive file for equally easy Internet access as the current Mayor and City Council member's voting record database. [Gerald Mangum]

Mr. Gerald Mangum explained the particulars of his request.

Mayor Caballero commented that City staff is currently working on this.

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MAYOR'S PROCLAMATIONS & CERTIFICATES

1. El Paso Family Week
2. Tie One On For Safety
3. March of Dimes
4. Home for the Holidays

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*Motion made by Representative Medina, seconded by Representative Sariñana and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Representatives Sumrall, Power and Escobar were not present for the vote.

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*Motion made, seconded and unanimously carried to excuse Representatives Jan Sumrall and Daniel S. Power from the Regular City Council Meeting of November 18, 2002.

Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to reconsider the item above in order to include excusing Representative Escobar.
Representative Medina was not present for the vote.

Representative Sariñana moved to include the excusal of Representative Paul J. Escobar.
There was no second.

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to excuse Representatives Jan Sumrall and Daniel S. Power from the Regular City Council Meeting of November 18, 2002.

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*Motion made, seconded and unanimously carried to postpone until the City Council Meeting of November 26, 2002, the Resolution that the Director of Solid Waste Management be authorized to sign a Short Term Vehicle Lease Agreement between the City of El Paso and APSCO to lease a Golf Cart with a Cargo Bed for three days, in conjunction with the City of El Paso Solid Waste Management's participation in Las Palmas Del Sol Sun Bowl Parade, November 28, 2002.

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Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to reconsider the following Resolution. Representative Medina was not present for the vote to reconsider.

RESOLUTION

WHEREAS, Michael Walker Architect ("Architect") entered into an Agreement for Architectural Services ("Agreement") with the City of El Paso ("City"), executed on March 12, 2002, for the Lower Valley Parks' Improvements – Phase II Project ("Project"); and

WHEREAS, the Architect has failed to furnish the City with such design documents as required pursuant to the Agreement of March 12, 2002; and

WHEREAS, the City has given the Architect several written notifications of its failure to comply with the Agreement, the possible accrual of damages, including but not limited to Liquidated Damages and the City's available legal recourse, pursuant to the Agreement, should failure to comply with said Agreement continue;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT it is the intent of the City of El Paso to terminate the Agreement for Architectural Services between the City of El Paso and Michael Walker Architect of March 12, 2002, in accordance with Section VI.A. thereof due to violation of the provisions of the Agreement by the Architect unless, within seven (7) consecutive calendar days after the serving of notice of intent to terminate upon the Architect, such violations or delays shall cease and correction, satisfactory to the City Engineer, shall be made; and that the City Attorney's Office shall serve upon the Architect written notice of intent to terminate the Agreement, to contain the reasons for such intent, and unless within seven (7) consecutive calendar days, such violations or delays shall cease and such correction be made, satisfactory to the City Engineer, the Agreement shall cease and terminate. In the event of such termination, the City Attorney's Office shall immediately serve notice thereof upon the Architect.

Representative Cobos recommended that this item be postponed one (1) week so that Representative Escobar can be present since it is in his district.

Representative Sariñana did not agree with Representative Cobos' request, he wanted to send the message that people can be in default.

Ms. Irene Ramirez, Engineering Department, stated that this item was postponed one (1) week already.

Mayor Caballero expressed his opposition in delaying the project more.

Mr. Charlie McNabb, Chief Administrative Officer, stated that the City's staff has taken over the design specifications and put it out to bid.

Motion made by Representative Sariñana, seconded by Representative Medina and carried to approve the above Resolution.

- AYES: Council Members Rodriguez, Medina, Cook and Sariñana
- NAYS: Representative Cobos
- EXCUSED: Representatives Sumrall and Power
- ABSENT: Representative Escobar

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Appraisal Services between the City of El Paso, Texas ("City") and The Huntington Company ("Appraiser"), for Lot 13, and the West 54.99' of Lot 14, Block 5, El Paso International Airport Tracts, Unit 3, City of El Paso, El Paso County, Texas, municipally known and numbered as 6625 Montana Ave., and East 100' of Lot 10, Block 8, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, municipally known and numbered as 7299 Lockheed Dr.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following grant applications on behalf of the Arts and Culture Department, for submission to the Texas Commission on the Arts and to sign the related contracts and documents should funds be granted, either in the requested amounts or at such lesser amounts as may be approved by the TCA. These grants will be used for the Sub-granting/Decentralization, Arts in Education and Advancement Music Under the Stars World Festival programs for FY 2004. The grant requests are as follows:

1. To request and receive \$77,824 to sub-grant local arts organizations through the Sub-granting/Decentralization Program for FY 2004. No new matching funds are required.
2. To request and receive \$15,000 to continue to operate the Arts In Education Program for FY 2004. New Matching funds are required at a 1:1 match.
3. To request and receive \$15,000 to present the Music Under the Stars World Festival for FY 2004. New Matching funds are required at a 1:1 match.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso Arts & Culture Department's Downtown Festival/Cultural Programs Funding Guidelines be approved, as recommended by the Arts & Culture Advisory Board and Staff.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents and letters, including all understandings and assurances contained therein, and accept a grant award for a Texas Highway Traffic Safety Program Grant in the amount not to exceed \$15,000.00 from the Texas Department of Transportation, for the purpose of conducting special traffic enforcement programs; that the Chief of Police be authorized to sign and submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. No matching funds required.

*RESOLUTION

WHEREAS, the CITY OF EL PASO, hereafter referred to as "the City," owns and operates the El Paso International Airport ("the Airport"); and

WHEREAS, the Airport desires to provide certain live entertainment for the benefit of the traveling public during the 2002/2003 holiday season; and

WHEREAS, musical groups from the University of Texas at El Paso, from El Paso Community College, and from public schools in the El Paso area have agreed to donate their services by providing, at no cost to the City, such entertainment for the traveling public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of Aviation be authorized to accept, on behalf of the City of El Paso and the El Paso International Airport, the donation of the following services: performances at the Airport during the 2002/2003 holiday season by choral or instrumental musical groups from the University of Texas at El Paso, from El Paso Community College, or from schools within the El Paso Independent School District, the Ysleta Independent School District, or the Socorro Independent School District. Such performances, to provide entertainment for the traveling public, shall be at the time and location specified by the Director of Aviation, shall not interfere with the free passage of the public within the Airport terminal area, and shall be at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Agreement between the City of El Paso and The Texas Commission on the Arts (TCA) providing for the sponsorship by TCA of live performances of artists at the El Paso International Airport on Wednesday, November 27, 2002, and affording TCA the opportunity to demonstrate its Internet Web site for the traveling public.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Reimbursement Agreement between the City of El Paso and the Federal Bureau of Investigation (FBI) relating to a special joint law enforcement task force from October 1, 2002 through September 30, 2003, whereby the FBI will reimburse the City for certain overtime personnel costs incurred during the operation.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute a Fourth Amendment to Partnership Agreement between the Upper Rio Grande Workforce Development Board and Top Chief Elected Officials of the Upper Rio Grande Workforce Development Area to further extend the term of the Agreement.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Final Cumulative Cost and Cash Received Report related to the Grant Application to the Corporation for National Service for the Martin Luther King, Jr. Celebration Food Drive for the period of November 1, 2000, to June 30, 2001.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor Pro Tem, having found in accordance with Section 13.32.040 of the El Paso Municipal Code that (1) the late filing was not due to a lack of diligence on the part of the applicant; and (2) the short notice does not unreasonably prejudice the City in preparing for the parade or temporary event, has approved the following parade permit, and that such approval is hereby ratified:

Celestina Cuellar for a block party in the 800 block of Olson between Yandell and Portales on Sunday, November 10, 2002, from 1:00 p.m. until 5:00 p.m.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the United States Treasury **Automated Standard Application for Payments (ASAP) Official Authorization Form**, authorizing the City of El Paso to participate in the ASAP System used to allocate grant/program funds on-line to the City; and

THAT the Mayor, as well as the individuals identified below, be the designated officials that will participate in the ASAP System.

Larry M. Medina	Mayor Pro Tem
William A. Chapman	Chief Financial Officer/Deputy Chief Administrative Officer
Wendy N. Hebestreit	City Comptroller

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

**A RESOLUTION NOMINATING ARTCRAFT HOSPITALITY PARTNERS, LTD.,
AS A TEXAS STATE ENTERPRISE ZONE PROJECT**

WHEREAS, the Texas Department of Economic Development ("TDED") designated the West Central El Paso Enterprise Zone ("the Zone") on November 1, 1995; and amended the Zone on June 25, 1999; and

WHEREAS, TDED will consider Artcraft Hospitality Partners, Ltd. ("AHP"), as an enterprise project pursuant to a nomination and an application made by the City of El Paso, Texas (the City*); and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the Zone and to provide employment to residents of the Zone and to other economically disadvantaged individuals; and

WHEREAS, pursuant to the Texas Enterprise Zone Act, Texas Government Code, Chapter 2303, Subchapter F, as amended (the "Act"), AHP has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that AHP meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F, of the Act, as amended, on the following grounds:

1. AHP is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business in the Zone and at least twenty-five percent (25%) of the business' new, full-time employees will be residents of a Zone within the City's jurisdiction or economically disadvantaged individuals; (or)
2. AHP is located in the Zone, or has made a substantial commitment to locate in the Zone, which has an unemployment rate of not less than one and one-half (1-1/2) times the state unemployment rate, or a population loss of at least twelve percent (12%) during the most recent six-year period or a population loss of at least four percent (4%) for the most recent three-year period;
3. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the Zone; and
4. The designation of AHP as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the Zone.

WHEREAS, the City finds that AHP meets the criteria for tax relief and other incentives adopted by the City and nominates AHP on the grounds that it will be located wholly within the Zone, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate AHP as an enterprise project pursuant to the Act:

NOW, THEREFORE, BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the findings of the City and its actions approving this resolution taken at the Council meeting are hereby approved and adopted.

BE IT FURTHER RESOLVED that AHP is a "qualified business," as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Chapter 2303, Subchapter F, as amended, of the Act.

BE IT FURTHER RESOLVED that the enterprise project shall take effect on the date of designation of the enterprise project by TDED and terminate five (5) years after that date of designation.

Ms. Lisa Turner, citizen, asked several questions about the people involved, where will it go and about tax abatement.

Yvette Segovia, Economic Development, explained that the Artcraft Hospitality Partners Corporation is planning to build a hotel; the owner is Richard N. Azar. It would be built on the corner of Export Place and Helen of Troy. This would not be a tax abatement but rather a tax refund of fifty percent of one percent of sales tax. This would also bring jobs to the City.

Mayor Caballero stated that several trades paid more than minimum wage.

Ms. Segovia explained that there were six designations; this is only the second one. She stated that fifty percent of the one percent sales tax is going to the City, and clarified that the wages would be eight to nine dollars per hour and seventeen dollars for management positions.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the above Resolution.

Representative Medina was not present for the vote.

***RESOLUTION**

WHEREAS, the City of El Paso, Texas ("the City"), and the County of El Paso, Texas ("the County"), established a Joint Revolving Loan Fund ("the Joint RLF") to be administered by Chase Bank of Texas, N.A. ("Chase Bank"), utilizing funds available under the U.S. Department of Commerce, Economic Development Administration ("EDA") Section 209 Economic Adjustment Program, and as provided by the Texas Department of Housing and Community Affairs ("TDHCA"), respectively; and

WHEREAS, the Joint RLF was established pursuant to the terms of an Interlocal Agreement, dated May 16, 2000, and thereafter amended, between the City and the County, and a Revolving Loan Fund Program Agreement, dated May 16, 2000, and thereafter amended, among the City, the County, Chase Bank, and additional Program Lenders; and

WHEREAS, the Revolving Loan Fund Plan ("RLF Plan") was described in Exhibit A to the above-referenced Interlocal Agreement and Program Agreement;

WHEREAS, upon submission to the EDA of the program report for the Joint RLF for the period ending September 30, 2002, Section VIII. D. of the EDA's Administrative Manual and Section D.03 of the EDA's Standard Terms and Conditions require annual certification by the governing board of the grant recipient that the Joint RLF is being operated in accordance with the RLF Plan; and

WHEREAS, the City Council is the governing body of the City of El Paso, which is the grant recipient of funds from the EDA;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the performance of the Joint Revolving Loan Fund has been reviewed for the period ending September 30, 2002, and that the Mayor be authorized to certify the following to the Economic Development Administration:

1. The RLF Plan is consistent with and supportive of the area's current economic adjustment strategy; and
2. The Joint RLF is being operated in accordance with the policies and procedures contained in the RLF Plan, and the loan portfolio meets the standards contained therein.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Agreement between the CITY OF EL PASO and E.P. PARK HILLS II, LTD. for the landscaping and maintenance of the street medians in the Park Hills II and III Subdivisions, El Paso, El Paso County, Texas.

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Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to reconsider the following Resolution. Representative Medina was not present for the vote to reconsider.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City of El Paso authorizes the Fire Chief to accept the donation of seven hundred fifty-six dollars (\$756.00) from Monte Vista At Coronado. Donation is designated for the purchase of items to be used at Station 27, 6767 Ojo de Agua for the benefit of all Fire Fighters who work there.

Assistant Fire Chief Michael Widtfeldt, Fire Department, expressed the department's gratitude for the donation.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

NOTE: This item was considered together with the Resolution that the City of El Paso authorize the Fire Chief to accept the donation of One Thousand dollars (\$1,000.00) from Tuyet Mai Fernandez. Donation is designated for the purchase of items to be used at Station 25, located at 10834 Ivanhoe, for the benefit of all Fire Fighters who work there.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City of El Paso authorizes the Fire Chief to accept the donation of One Thousand Two Hundred Dollars (\$1,200.00) from Sam's Club at 7001 Gateway Blvd. West. Funds are designated for camera and weight equipment at Fire Stations 29 and 30.

Mr. Donald Marrin, Fire Department, gave background information on the donation.

Emma Canales, representative for Walmart, commented.

Motion made by Representative Sariñana, seconded by Representative Cobos and carried to approve the above Resolution.

Representative Medina was not present for the vote.

NOTE: This item was considered together with the Resolution that the City of El Paso authorizes the Fire Chief to accept the donation of Four Hundred Dollars (\$400.00) from the Wal-Mart Store located at 7555 N. Mesa. Funds are to be used to assist the El Paso Independent School District Region 19 Head Start Program in purchasing fire prevention materials for children between the ages of 2 and 5 years old.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City of El Paso authorizes the Fire Chief to accept the donation of Four Hundred Dollars (\$400.00) from the Wal-Mart Store located at 7555 N. Mesa. Funds are to be used to assist the El Paso Independent School District Region 19 Head Start Program in purchasing fire prevention materials for children between the ages of 2 and 5 years old.

See discussion on previous Resolution.

Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

Representative Medina was not present for the vote.

NOTE: This item was considered together with the Resolution that the City of El Paso authorizes the Fire Chief to accept the donation of One Thousand Two Hundred Dollars (\$1,200.00) from Sam's Club at 7001 Gateway Blvd. West. Funds are designated for camera and weight equipment at Fire Stations 29 and 30.

.....
Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to reconsider the following Resolution. Representative Medina was not present for the vote to reconsider.

RESOLUTION:

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That the City of El Paso authorize the Fire Chief to accept the donation of One Thousand dollars (\$1,000.00) from Tuyet Mai Fernandez. Donation is designated for the purchase of items to be used at Station 25, located at 10834 Ivanhoe, for the benefit of all Fire Fighters who work there.

Assistant Fire Chief Michael Widtfeldt, Fire Department, expressed the department's gratitude for the donation.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

NOTE: This Resolution was considered together with the following: Resolution that the City of El Paso authorizes the Fire Chief to accept the donation of seven hundred fifty-six dollars (\$756.00) from Monte Vista At Coronado. Donation is designated for the purchase of items to be used at Station 27, 6767 Ojo de Agua for the benefit of all Fire Fighters who work there.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor and City Council approve the El Paso Fire Department's participation in the Operation Santa Claus Toy Delivery Parade on December 13, 2002, by providing a 1949 Mack Fire Engine for entry in the parade.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **CHRISTIAN BENITEZ**, as an Undergraduate Intern for the Solid Waste Management Department at the rate of \$7.25 per hour, not to exceed 40 hours per week. The term of the contract shall be from November 19, 2002 through November 18, 2003.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Work Study Contract between the **CITY OF EL PASO** and **ZAHIRA TORRES** to assist the El Paso Water Utilities as a Graphics/Education Technician at the rate of \$9.00 per hour, not to exceed 20 hours per week without permission from the Co-Op Coordinator. The contract period is from November 19, 2002 through November 18, 2003.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **FEDERICO FERNANDEZ** as a PC/LAN Specialist III for the El Paso Water Utilities at a biweekly rate of \$1,736.13 for 40 hours per week from November 19, 2002 through November 18, 2004.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso; the University of Texas at El Paso; Texas Tech University Health Science Center at El Paso; El Paso County Hospital District; El Paso City-County Health and Environmental District; El Paso Community College; University of Texas Health Science Center at Houston, School of Public Health; El Paso County Medical Society; and the Texas Department of Health whereby the parties agree that the City of El Paso shall:

1. Be the fiscal agent for the Border Health Institute ("BHI") regarding the disbursement of grant funds received from the El Paso Empowerment Zone;
2. Provide grant writing assistance to the BHI; and

3. Conduct recruitment and assessment of a BHI employee.

Ms. Lisa Turner, citizen, asked questions.

Mayor Caballero answered her questions.

Mr. Charlie McNabb, Chief Administrative Officer, explained that the City will act as the fiscal agent and provide grant assistance.

Mr. Gerald Mangrum, citizen, expressed his concern about the Border Health Institute project without sufficient study.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

Representative Medina was not present for the vote.

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***RESOLUTION**

WHEREAS, the City annually participates in decorating the San Jacinto Plaza in celebration of various holidays occurring during the month of December; and

WHEREAS, decorating the Plaza and celebrating the festivities of various holidays and recognizing special cultural activities that occur during the month of December unites the citizens of El Paso through the shared celebrations; and

WHEREAS, the conducting of the 11th Annual Downtown Posada Festival is one part of the celebration of the various holidays occurring during the month of December and, further, the Festival will promote cultural and entertainment activities within the City, thus benefiting the citizens of El Paso; and

WHEREAS, the City Council finds that the Downtown Posada Festival embraces a tradition that has become a popular celebration enjoyed by many people and it includes many aspects of traditional December festivities within the cultural heritage of many persons living in El Paso, including singing, dancing, the breaking of the piñata, and the partaking of special holiday foods, gathered in a family environment and conducted for entertainment purposes; and

WHEREAS, the presentation of festivals in Downtown El Paso encourages persons to come Downtown, which benefits the City and Downtown revitalization efforts.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement by and between the City of El Paso and the Central Business Association relating to the 11th Annual Downtown Posada Festival and related entertainment and cultural activities in San Jacinto Plaza on December 19, 2002, and that Representative Anthony Cobos is authorized to allocate a portion of District 8 Discretionary Funds in the amount of Five Hundred and No/100 Dollars (\$500.00) for the funding required in the Agreement.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** on behalf of the Parks and Recreation Department and the employees listed below:

NORTHEAST RECREATION CENTER

DEPARTMENT ID: 51510107, ACCOUNT 501011

1. Olga G. Armendariz, Daycare Director, Contract period begins on the date approved by City Council to August 31, 2003.
2. Teri Herring, Daycare Instructor, Contract period begins on the date approved by City Council to August 31, 2003.
3. Priscilla Olson, Assistant Daycare Coordinator, Contract period begins on the date approved by City Council to August 31, 2003.
4. Delila Sattizahn, Daycare Director, Contract period begins on the date approved by City Council to August 31, 2003.
5. John W. Tillman, Daycare Instructor, Contract period begins on the date approved by City Council to August 31, 2003.

GALATZAN RECREATION CENTER

DEPARTMENT ID: 51510131, ACCOUNT 501011

6. Claudia Garcia, Instructor, Contract period begins on the date approved by City Council to February 28, 2003.
7. Carolyn Tromer, Daycare Director, Contract period begins on the date approved by City Council to February 28, 2003.

PAVO REAL RECREATION CENTER

DEPARTMENT ID: 51510115, ACCOUNT 501011

8. Lisa Marie Perez, Daycare Director, Contract period begins on the date approved by City Council to August 31, 2003.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

9. Janet T. Benge, Pool Manager, Contract period begins on the date approved by City Council to August 31, 2003.
10. Gabriel E. Chavez, Indoor Pool Manager, Contract period begins on the date approved by City Council to August 31, 2003.
11. Charlotte Y. Jordan, Aquatics, Contract period begins on the date approved by City Council to August 31, 2003.
12. Jimmy J. Zambrano, Indoor Pool Manager, Contract period begins on the date approved by City Council to August 31, 2003.
13. Carlos Rodriguez, Swim Instructor, Contract period begins on the date approved by City Council to August 31, 2003.

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*Motion made, seconded and unanimously carried to delete the notice to set a public hearing to be held on November 18th, 2002 to determine if the property located at 6968 Alameda Ave., in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of record as of July 30th, 2002, Prentice Loftin & Yvonne Norma Marmolejo Loftin, 7013 Granero Dr. El Paso, Texas 79912 have been notified of the violations at this property. As of September 18th, 2002, \$219. 06 are owed on property taxes.
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***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 23rd day of December, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 1410 Delta Drive, in El Paso, Texas, which property is more particularly described as:

Lots: 9 and 10, Block 63, Magoffin's Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 14, Page 19, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Jose L. Rivera and Guillermina Rodriguez, 1410 Delta Drive, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 23rd day of December, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 819 Bolivia Street, in El Paso, Texas, which property is more particularly described as:

Lot: 22, Block 4, MAP OF ZIA VILLAGE, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 14, Page 11, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Joe Crnkovich and Myrtle C. Crnkovich, 819 Bolivia Street, El Paso, Texas 79903, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*Motion made, seconded and unanimously carried to delete the request for authorization to use District IV Discretionary Funds in the amount of Seven Hundred Fifty Dollars (\$750.00) to Andress High School, to support their student activities within the school.
.....

*R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Request authorization to transfer \$200.00 from District 6 Discretionary Funds to the Parks Department to assist with the "Pecan Grove Park" community Ribbon Cutting Ceremony. Funds are available in Department ID: 01010006, Account 504420, Class: 01001, Fund 01101.

*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Rancho Del Sol Unit Nine
Owner/Developer: Socorro Independent School District
Consultant: Roe Engineering

Street Improvements:

Ted Houghton Drive. – from the east property line of Loma Verde Drive to a point 20 ft. East property line of Lot 16, Block 21 of Rancho Del Sol Unit Eight

Drainage Improvements:

Ponding Area Storm Drain System. – at Lot 1, Block 578; 193 ft. of 36.0" R.C.P.; 1-Junction Box/48" Manhole; 1-Thrust Block Structure; and 1-5 Grate Drop Inlet Type I at Ted Houghton Drive

Storm Drain. – located at the east property line of Lot 1, Block 24 to a point of 549 ft. at Lot 61, Block 579; 549 ft. of 30.0" R.C.P.; Drop Inlet Structure at Lot 1, Block 24; and a Concrete Junction Box at Lot 61, Block 579

Concrete Flume Structure. – from the property line to the back curb at Ted Houghton Drive 12 ft. x 12.5 ft.

*Motion made, seconded and carried to confirm the Mayor's appointment of Eulalia Elaine Sample as an Assistant City Attorney at a salary of \$42,000 per annum, effective November 18, 2002.

*Motion made, seconded and unanimously carried to make the following temporary appointment regular in accordance with Rule 7, Section 4, of the Civil Service Rules:

Yvette Villasana, Public Safety Dispatcher – Fire

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Airport

Add	1.00	Sprinkler System Installer/Repairer	GS 16
Del	1.00	Airport Maintenance Worker	GS 13
Add	1.00	Sprinkler System Installer/Repairer	GS 16
Del	1.00	Airport Maintenance Worker	GS 13

*Motion made, seconded and unanimously carried to re-appoint Edwin John W. Hamlyn to the El Paso Mountain Committee by Representative Dan Power.

*Motion made, seconded and unanimously carried to delete the appointment of Servando Hernandez to the Architect and Engineer Selection Committee by Mayor Raymond C. Caballero.

*Motion made, seconded and unanimously carried to appoint Raymond N. Diaz to the Plumbing & HVAC Board of Appeals (Alternate) by Representative Jan Sumrall.

.....
*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to issue Purchase Order(s) to H. D. Industries, Inc., a single source provider, in the amount of \$40,400.00, as a "Public Safety Issue". This purchase is for the installation of pothole patcher bodies on two (2) existing Street Department trucks. (Contract No. 2003-054)

Procurement is necessary to protect the public safety and is exempt from the competitive bid requirements of Chapter 252 of the Local Government Code.

Amount: \$40,400.00
Funds Available: 04252003-27260-PMB0004130-508006
Funding Source: FY03 City Capital Equipment
Department: Street Department

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-185 Janitorial Services for Carolina & Sunrise

Award to: WIC Health Clinics
C & L Janitorial Company
El Paso, Texas
Item (s): 1A, 1B and 2
Amount: \$22,572.00

Department: El Paso City-County Health & Environmental District
Funds available: 41150011-05521-502206
Funding source: TDH WIC -G4102 WIC Services FY02 -
Maintenance Service Janitorial
Total award: \$22,572.00

City-County Health and Purchasing Departments recommend award as indicated as this vendor has provided the Best Value Bid.

This is a thirty-six (36) month contract with no renewable options. C & L Janitorial Co. offers a Prompt Payment Discount of 2%10 Days.

Low Bids evaluated, see attachments. State has approved bid.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2003-006 Westside Area Park Improvements

Contractor: Silverton Construction Co. Inc.
El Paso, Texas
Department: Parks & Recreation
Funds Available: 31130500/PW0046018/PW46001/
PW46019/PW46015/508027
Funding Source: Quality of Life Bond Issue
Items: Base Bid I \$913,347.00
Alternate 1.2 \$ 13,750.00
Alternate 1.12 \$ 28,800.00
Alternate 2.3 \$ 8,961.00
Alternate 2.4 \$ 16,000.00
Alternate 2.11 \$ 9,600.00
Alternate 2.16 \$ 6,200.00
Alternate 3.1 \$ 9,400.00

Alternate 3.4	\$ 18,950.00
Alternate 3.7	\$ 96,460.00
Alternate 3.13	\$ 3,500.00
Alternate 4.12	\$ 20,000.00
Alternate 4.15	\$ 27,260.00
Alternate 4.19	\$ 37,000.00
Alternate 4.21	\$ 4,400.00

Total Award: \$1,213,628.00

The Departments of Purchasing, Engineering and Parks & Recreation recommend the award of this contract to Silverton Construction Co. Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

This is a Best Value Procurement, other factors besides price were considered.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-221 Sodium Bicarbonate

Award to: USF Surface Preparation
El Paso, Texas
Item (s): 1
Amount: \$13,650.00 (estimated annually)
Department: Street
Funds available: 32150041-503203-G329601
Funding source: 07201 General Fund
Total award: \$13,650.00

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-235 Structural & Proximity Fire Fighting Clothing

Award to: Vendor 1: First In, Inc.
El Paso, Texas
Item (s): 1A thru 2B and #3, 6, 7, 8
Amount: \$350,000.00 (estimated annually)

Vendor 2: Alco Industrial Co.
El Paso, Texas
Item (s): # 4 and 5
Amount: \$50,000.00 (estimated annually)

Department: Fire
Funds available: 22010319-503123
Funding source: General Funds
Total award: \$400,000.00

The Fire Department and Purchasing Department recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor #2 offers the City the option to extend the terms of the contract at the same unit prices for one (1) additional year from the date of the award.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2003-005 Wooldridge Street & Drainage Improvements

Contractor: C. F. Jordan L.P.
El Paso, Texas

Department:	Street Department
Funds Available:	71150069/G7127CD0024/07742/508027
Funding Source:	Community Development FY 2002
Items:	Base Bid I \$ 513,707.00
	Base Bid IA \$ 1,224.00
	Base Bid II
	Item 1 \$ 878.60
	Item 2 \$ 5,258.25
	Item 3 \$ 1,950.00
	Item 4 \$ 14,460.00
	Item 5 \$ 3,240.00
	Item 6 \$ 4,300.00
	Base Bid IIA \$ 118.00
	Base Bid III
	Item 1 \$ 16,292.50
	Item 2 \$ 980.00
	Item 3 \$ 25,200.00
	Item 4 \$ 10,395.00
	Base Bid IIIA \$ 1,001.00
Total Award:	\$599,004.35

The Departments of Purchasing, Engineering and Street Department recommend that the low bidder J&J General Contracting Inc. be allowed to withdraw without prejudice or penalty; furthermore, the Departments of Purchasing, Engineering and Street Department recommend the award of this contract to C. F. Jordan L.P., the next lowest responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2003-015 Goodyear Police Pursuit Tires

Award to: Goodyear
El Paso, Texas
Item (s): 1 (all)
Amount: \$15,000.00 (estimated annually)

Department: Fleet Services
 Funds available: 37370510-503121
 Funding source: Fleet Service Fund
 Total award: \$45,000.00

The Fleet Services Department and Purchasing Department recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a Requirements Type Contract with an initial term of Thirty six -(36) months.

*Motion made, seconded and unanimously carried to approve budget transfer BT2003-097

BLDG PERMITS & INSPECTIONS

Transfer of appropriations from Building Permits & Inspections Department to Engineering Department, Subdivision Inspections Division, to provide operating funds for FY 2003.

Decrease	\$ 350	from	36010116/01101/502205	Legal Notices
Increase	\$ 350	to	35010334/01101/502205	Legal Notices
Decrease	\$ 500	from	36010116/01101/502302	Print Shop
Increase	\$ 500	to	35010334/01101/502302	Print Shop
Decrease	\$ 200	from	36010116/01101/502304	Mail Room
Increase	\$ 200	to	35010334/01101/502304	Mail Room
Decrease	\$ 500	from	36010119/01101/503100	Office Sup
Increase	\$ 500	to	35010334/01101/503100	Office Sup
Decrease	\$1,000	from	36010119/01101/503117	Minor Off Eq
Increase	\$1,000	to	35010334/01101/503117	Minor Off Eq
Decrease	\$1,500	from	36010318/01101/504201	Travel
Increase	\$1,500	to	35010334/01101/504201	Travel
Decrease	\$ 500	from	36010318/01101/504412	Sem&ContEd
Increase	\$ 500	to	35010334/01101/504412	Sem&ContEd

*Motion made, seconded and unanimously carried to approve budget transfer BT2003-098 AIRPORT
 Set up funding for operation of the Information Center at the Airport.

Increase	\$40,000	to	62620001/40101/502215	Outside Cont
Increase	\$40,000	to	62620001/40101/407001	Intrafd Trf In
Increase	\$40,000	to	62620018/40121/407002	Est Revenue
Increase	\$40,000	to	62620018/40121/507001	Intrafd Trf Out

*Motion made, seconded and unanimously carried to approve budget transfer BT2003-101

PARKS & RECREATION

This budget transfer requests that a new appropriation be established by transferring funds from fund balance to purchase tables & chairs for shelters. The reopened Sunrise Shelter needs new tables & chairs; other shelters require new chairs.

Increase	\$15,000	to	51010279/P50020116301/407002	Est Revenue
Increase	\$15,000	to	51010279/P50020116301/508009	Furniture

*Motion made, seconded and unanimously carried to approve budget transfer BT2003-107

LIBRARY

The Library requests an increase in appropriations under the Restricted Fund. This increase in appropriations will allow the Library to purchase library books from the Texas Library Association.

Increase	\$4,020	to	53153053/15454/407002	Est Revenue
Increase	\$4,020	to	53153053/15454/508039	Library Bks Hdbacks

*Motion made, seconded and unanimously carried to approve the request of **AMENDED APPLICATION – REVISED DATE:** Church of God 7th Day to block off Cebada between Hueco and Montana on **MAY 25, 2003** from 8:00 a.m. to 5:00 p.m. for a kermes. Approximately 20 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 02-166

.....
*Motion made, seconded and unanimously carried to approve the request of **AMENDED APPLICATION – REVISED ROUTE:** YMCA of Greater El Paso to hold a Turkey Trot run/walk on November 28, 2002 from 6:30 a.m. to 9:30 a.m. **REVISED ROUTE:** Start at Montana and Ochoa to Williams, to Rio Grande, to Grant, to Magnolia, back to Ochoa and Montana. Approximately 1,000 persons and 2 vehicles will take part. PERMIT #02-154

NOTE: Permit Number was revised from "02-180" to "02-154".

.....
*Motion made, seconded and unanimously carried to approve the request of Citizens for Family Values to hold a protest of business on November 23, 2002 from 2:00 p.m. to 4:00 p.m. Route: 6936 - 6940 Gateway East right of way (Frontage) - Gateway News & Video - business. Approximately 25 persons will take part. PERMIT #02-180

NOTE: Permit Number was revised from "02-181" to "02-180"

.....
*Motion made, seconded and unanimously carried to approve the request of Catholic Diocese of El Paso to hold an Ecumenical Prayer Gathering and Procession on January 19, 2003 from 12:30 p.m. to 2:30 p.m. Route: West on Yandell from St. Vrain to Stanton, north on Stanton from Yandell to Arizona, ending at St. Patrick Cathedral. Approximately 800 persons will take part. This request includes permission to use amplification (4 speakers, 8 microphones, 1 amplifier). PERMIT #02-181

NOTE: Permit Number was revised from "02-154" to "02-181."

.....
ORDINANCE 15282

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 1M1A, BLOCK 10, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (WESTSIDE DRIVE NORTH OF GOMEZ ROAD) FROM R-F (RANCH-FARM) TO R-2 (RESIDENTIAL) AND IMPOSING A CONDITION. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia Adatao, Director of Planning, Research and Development, gave the particulars.

Representative Sariñana expressed his support on having a wall at said property.

Representative Cobos questioned if there was any opposition.

Ms. Adatao replied that there is opposition and gave the details.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Sariñana and Cobos
NAYS: None ABSENT: Council Members: Sumrall, Power and Escobar.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinance was revised to include "imposing a condition" and it was considered together with Ordinance 15283.

.....
ORDINANCE 15283

The City Clerk read an Ordinance entitled: **ORDINANCE GRANTING SPECIAL PERMIT NO. SU-02016, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT WITH REDUCED SETBACKS ON TRACT 1M1A, BLOCK 10, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (WESTSIDE DRIVE NORTH OF GOMEZ ROAD) PURSUANT TO SECTION 20.12.040 (ZONING), AND THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

See above discussion on Ordinance 15282.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Sariñana and Cobos

NAYS: None ABSENT: Council Members Sumrall, Power and Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinance 15283 was considered together with Ordinance 15282.

.....
ORDINANCE 15284

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF FIRE MEDICAL SERVICES EMERGENCY MEDICAL TECHNICIAN-INTERMEDIATE AND CHANGE THE GRADE, SPECIFICATIONS AND TITLE TO FIRE MEDIC.**

Representative Cook questioned if the Ordinance was reviewed during the contract negotiations.

Ms. Lupe Cuellar, Assistant City Attorney, replied it has been reviewed.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Sariñana and Cobos

NAYS: None ABSENT: Council Members Sumrall, Power and Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15284 through 15292 were considered together.

ORDINANCE 15285

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF FIRE MEDICAL SERVICES EMERGENCY MEDICAL TECHNICIAN-BASIC AND CHANGE THE GRADE, SPECIFICATIONS AND TITLE TO FIRE MEDIC.**

See discussion on Ordinance 15284.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Sariñana and Cobos

NAYS: None ABSENT: Council Members Sumrall, Power and Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15284 through 15292 were considered together.

ORDINANCE 15286

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF FIRE MEDICAL SERVICES SENIOR PARAMEDIC AND CHANGE THE GRADE, SPECIFICATIONS AND TITLE TO FIRE PARAMEDIC.**

See discussion on Ordinance 15284.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Sariñana and Cobos

NAYS: None ABSENT: Council Members Sumrall, Power and Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15284 through 15292 were considered together.

ORDINANCE 15287

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF FIRE MEDICAL SERVICES PARAMEDIC AND CHANGE THE GRADE, SPECIFICATIONS AND TITLE TO FIRE PARAMEDIC.**

See discussion on Ordinance 15284.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Sariñana and Cobos
NAYS: None ABSENT: Council Members Sumrall, Power and Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15284 through 15292 were considered together.

.....
ORDINANCE 15288

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF FIRE MEDICAL SERVICES DISTRICT SUPERVISOR AND CHANGE THE GRADE, SPECIFICATIONS AND TITLE TO FIRE MEDICAL LIEUTENANT.**

See discussion on Ordinance 15284.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Sariñana and Cobos
NAYS: None ABSENT: Council Members Sumrall, Power and Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15284 through 15292 were considered together.

.....
ORDINANCE 15289

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF FIRE SUPPRESSION TECHNICIAN.**

See discussion on Ordinance 15284.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Sariñana and Cobos

NAYS: None ABSENT: Council Members Sumrall, Power and Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15284 through 15292 were considered together.

ORDINANCE 15290

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF FIRE LIEUTENANT.**

See discussion on Ordinance 15284.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Sariñana and Cobos

NAYS: None ABSENT: Council Members Sumrall, Power and Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15284 through 15292 were considered together.

ORDINANCE 15291

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO CREATE THE CLASS OF ARCHIVES & RECORDS MANAGER.**

See discussion on Ordinance 15284.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Sariñana and Cobos

NAYS: None ABSENT: Council Members Sumrall, Power and Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15284 through 15292 were considered together.

ORDINANCE 15292

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO CREATE THE CLASS OF ARCHIVES & RECORDS ANALYST.**

See discussion on Ordinance 15284.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cobos that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Sariñana and Cobos
NAYS: None ABSENT: Council Members Sumrall, Power and Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15284 through 15292 were considered together.

ORDINANCE 15293

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS REVIEW COMMISSION); TO CHANGE THE CHAPTER TITLE TO "ETHICS"; TO AMEND ALL SECTIONS; TO REPEAL SECTION 2.92.052 (REPORTING OF GIFTS); AND TO ADD SECTIONS 2.92.080 (COMPLAINTS) AND 2.92.090 (PENALTY); TO SPECIFY PROCEDURES AND DUTIES FOR THE ETHICS REVIEW COMMISSION; TO EXPAND AND CLARIFY THE PURPOSE, PROCEDURES, DEFINITIONS, STANDARDS OF CONDUCT AND REPORTING OF GIFTS REQUIREMENTS; TO EXPAND THE FINANCIAL DISCLOSURE REQUIREMENTS; AND TO SPECIFY PROVISIONS FOR COMPLAINTS MADE UNDER THE ORDINANCE AND CREATE SANCTIONS; THE PENALTY BEING AS PROVIDED IN SECTIONS 2.92.090 AND 1.08.010 - 1.08.030 OF THE EL PASO MUNICIPAL CODE.**

Representative Cook questioned the reporting of gifts and the value of gifts.

Mr. Alonso Flores, Chairman of the Ethics Review Commission, addressed Representative Cook's questions and gave further details.

Mr. Charlie McNabb, Chief Administrative Officer, gave more details.

Representative Sariñana requested more clarification.

Ms. Elaine Hengen, Assistant City Attorney, explained on the value of gifts and on the Financial Disclosure form requirement for board members.

Mayor Caballero thanked the Ethics Review Commission for their work.

Representative Cook, Mr. McNabb and Ms. Hengen made revisions to the content of the Ordinance and read them into the record.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Sariñana, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Sariñana and Cobos

NAYS: None ABSENT: Council Members Sumrall, Power and Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 5833 Porpoise Dr., in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of record as of September 11th, 2002, Mario Ramirez & Nancy Ramirez, 5833 Porpoise Dr., El Paso, Texas 79924, have been notified of the violations at this property. As of September 27, 2002, there is \$983.18 owed in taxes.

.....
Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to postpone until the City Council Meeting of December 3, 2002 the Resolution that the Mayor and City Council accept the recommendation from the Parks and Recreation Advisory Board at their regular meeting and the Department of Parks & Recreation to rename Vista Del Sol Park to the “**REESE MCCORD**” Park. The group requesting this specific name shall incur the customary costs associated with the naming or renaming of a park or park facility, such as installing or replacing signs with the park name or any other signs posted or affixed for a facility. Proposed signs shall be acceptable to both the Parks and Recreation Department and the individual(s) or group making the request.

.....
Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to authorize the City Engineer to sign and submit an application and any related documents, for a special use permit application for off-site, off-street parking to meet parking requirements for the Health Department administrative offices located at 5115 El Paso Drive; and that the Planning, Research & Development Department be authorized to accept and process such application.

.....
Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to send to a Legislative Review Committee Meeting for the Planning, Research and Development Department the discussion and action regarding ZBA recommendations on amendment to the El Paso Municipal Code Special Exception language.

.....
Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance authorizing the lease of the Wellington Chew Senior Citizen Center to the Wellington Chew Senior Advisory Committee, Inc. to conduct bingo for the benefit of senior citizens.

PUBLIC HEARING WILL BE HELD ON DECEMBER 3, 2002 FOR ITEM A

- B. An Ordinance granting Special Permit No. SU-02020 to allow for a parking reduction on the property described as Lots 17 & 18, Block 53, FRANKLIN HEIGHTS, El Paso, El Paso County, Texas (1701 Wyoming), pursuant to Section 20.64.175, and the penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant/Representative: Fr. Francisco Herrera, 727 Arredondo, El Paso, TX 79912.

- C. An Ordinance changing the zoning of a Portion of Tract 1, Section 31, Block 79, Township 2, T & PRRC SURVEYS, El Paso, El Paso County, Texas (11600 Montana) from RMH/sp (Residential Mobile Home/special permit) to PR-1 (Planned Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Montana/Palmas, LLC / Representative: Bart Phillips, P. O. Box 220164, El Paso, TX 79913 ZC-02023
- D. An Ordinance changing the zoning of a portion of Lot 1, Block 1, HAWKINS PLAZA, El Paso, El Paso County, Texas (1550 Hawkins Boulevard) from S-D (Special Development) to C-2 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Patriot Place Ltd., 10728 Adaauto Court, El Paso, TX 79935. ZC-02032
- E. An Ordinance granting Special Permit No. SU-02014, to allow for a dancehall on a portion of Lot 1, Block 1, HAWKINS PLAZA, El Paso, El Paso County, Texas (1550 Hawkins Boulevard) pursuant to Section 20.38.040 (Zoning), and the penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant/Representative: Patriot Place Ltd., 10728 Adaauto Court, El Paso, TX 79935.
- F. An Ordinance changing the zoning of a portion of Tracts 4K1 and 5B1A1, Block 55, YSLETA GRANT, El Paso, El Paso County, Texas (1125 North Zaragoza Road) from R-4 (Residential) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Luz Alberto Rodriguez, 8770 Alameda Avenue, El Paso, TX 79907. ZC-02038
- G. An Ordinance changing the zoning of all of Tract 12, Block 27, YSLETA GRANT, El Paso, El Paso County, Texas (7564 Alameda Avenue) from C-1 (Commercial) to C-3 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Leonardo Nicolas Raggo, 7565 Alameda Avenue, El Paso, TX 79915. ZC-02040
- H. An Ordinance changing the zoning of a portion of Lot 1, Block 2, SECOND REVISED MAP OF TOWN AND COUNTRY VILLAGE, El Paso, El Paso County, Texas (Doniphan Drive at Bauxite Avenue) from A-2 (Apartment) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: MIMCO Inc. / Representative: Conde Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936. ZC-02043

PUBLIC HEARING WILL BE HELD ON DECEMBER 10, 2002 FOR ITEMS B - H

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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Motion made by Representative Sariñana, seconded by Representative Cook and carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

An Ordinance granting to Southern Union Company, a Delaware Corporation, permission and authority to assign and transfer to ONEOK, Inc., an Oklahoma Corporation, its rights and obligations under Ordinance No. 014360, as amended by Ordinance No. 014496, which grants certain non-exclusive powers, licenses, rights-of-way, privileges and franchise to construct, operate and maintain in the City of El Paso, Texas, a natural gas distribution system.

PUBLIC HEARING WILL BE HELD ON DECEMBER 3, 2002

AYES: Representatives Rodriguez, Cook and Sariñana
NAYS: Representatives Medina and Cobos
EXCUSED: Representatives Sumrall and Power
ABSENT: Representative Escobar

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Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:05 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Motion made by Representative Rodriguez, seconded by Representative Cook and unanimously carried to adjourn the Executive Session at 11:17 a.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

- A. Christel Chavez, 02-A-004 (551.071)
- B. Discussion and action regarding proposed purchase of a 2.49 acre tract of raw land located at 5100 Gateway East Boulevard. (551.071 and 551.072)
- C. Discussion and action regarding proposed purchase of 10.176 acre tract of raw land described as: Tracts 2A, 2B, 2C, 2D, 2D1, 2D2, & 2E, Elijah Bennet Survey No 11, El Paso County Texas. (551.071 and 551.072)

.....
Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the City settle its subrogation interest in the claim of **CHRISTEL CHAVEZ; Our File No. 02-A-004** as recommended by the City Attorney.

.....
Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the City Attorney or her designee be authorized to negotiate, on behalf of the City of El Paso, for the purchase of a 2.49 acre tract of raw land located at 5100 Gateway East Boulevard and that the Mayor be authorized to sign the resulting contracts and other documents necessary to effectuate the purchase.

.....
Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the City Attorney or her designee be authorized to negotiate, on behalf of the City of El Paso, for the purchase of a 10.176 acre tract of raw land described as Tracts 2A, 2B, 2C, 2D, 2D1, 2D2, and 2E, Elijah Bennet Survey No. 11, El Paso County, Texas and that the Mayor be authorized to sign the resulting contracts and other documents necessary to effectuate the purchase.

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Motion made by Representative Medina, seconded by Representative Cook unanimously carried to adjourn this meeting at 11:20 a.m.
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APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk